70. The television system with downloadable features of claim 69, wherein said receiving locations are at least one of a television, a VCR, a TVCR and a set-top box.

71. The television system with downloadable features of claim 69, further comprising a satellite transmitter for transmitting said data associated with said feature.

REMARKS

A response to the 9/14/01 Office Action on the above identified patent application is provided herein. Reconsideration and reexamination are hereby requested.

Claim 60 has been amended. Claims 32-71 are pending in the application.

Claim rejections under - 35 USC § 102(e).

The examiner has rejected claims 41-45, 60-63, & 71 as being anticipated by Bacon (U.S. Pat # 5,440,632). This rejection is respectfully traversed, the rationale for this traversal is set forth below.

In order for prior art to anticipate a claim it must anticipate every element of the claim. Bacon does not anticipate at least the second element of claim 41, that is:

"At least one computer storage device associated with at least one of said receiving locations, said computer storage device receiving executable software associated with at least one of said downloadable features from a computer readable storage medium, wherein said executable software includes an identifier indicating specific

<u>receiving locations of said multiple receiving locations;</u>"
(Underlining for emphasis).

In contrast Bacon et al. describes a Reprogrammable Subscriber Terminal having software present in a terminal, in which the state of the software is identified for upgrade purposes. Simply put, Bacon is directed to identifying the configuration of the terminal, whether software or hardware configuration, in order to reprogram it. In contrast applicant identifies each terminal with a location identifier. These contentions are discussed below.

In the ABSTRACT Bacon calls out:

"A reprogrammable subscriber terminal of a subscription television service which can have the control program code of its control processor modified by downloading new program code from the head end. The control processor stores a boot program in an internal read-only memory. Upon start-up and reset, the program should be changed from a command sent from the head end. The command, termed a parameters transactions, includes a number of expected download program code transactions required to complete the control code modification, the memory space areas where the code is to be loaded, and a channel over which to download program code transactions are to be transmitted... The boot program may download code to different configurations of subscriber terminals, including those with flash EPROM or extended memories from plug-in expansion modules."

In this section, Bacon appears to describe a control code modification performed based upon the hardware configuration (i.e. what type and how much memory is installed, etc.).

Additionally Bacon in column 3 lines 17 through 30 states:

"Moreover, the program code parameters transactions may contain a program code revision identifier in order to provide other selective criteria on which to determine which subscriber terminals are reprogrammed. In this manner, a current program code version may be periodically transmitted from the head end to update all terminals for system revisions and to initially program new terminals as they are added to the subscriber base. The system operator is then assured that the entire subscriber base is operating with the same program and that revising a terminal's software and initially loading the software do not have to be accomplished by different methods."

In this section, Beacon appears to describe a code modification performed based on what version of software is already loaded on the subscriber terminal.

However, Bacon neither teaches nor suggests providing programming for devices based on an identifier for a specific receiving location. Because addressing an update to a terminal or group of terminals according to the previously stored resident software in that terminal or group of terminals or the hardware configuration of a terminal cannot be considered as the same as addressing data to a particular location, Bacon does not anticipate the second element of claim 41:

"At least one computer storage device associated with at least one of said receiving locations, said computer storage device receiving executable software associated with at least one of said downloadable features from a computer readable storage medium, wherein said executable software includes an identifier <u>indicating specific receiving locations of said multiple receiving locations;</u>" (Underlining again for emphasis)."

Additionally the disclosure of Bacon specifically describes the efficiency of being able to update all software versions of terminals at once. This feature of Bacon teaches against the idea of identifying all locations as specific receiving locations, which would require addressing data to individual locations and destroy the efficiency of Bacon to update all software versions of terminals at once.

Bacon therefore does not anticipate Applicant's claim 41. Because claim 41 is patentable over Bacon, claims 42, 43, 44, 45 and 62, which depend from claim 41, are also patentable over Bacon.

Claim 60 has been amended to recite that the multiple receiving locations are "uniquely identified" thereby including a similar identification feature as included in claim 41, as discussed above. As discussed above because the unique identifier attribute is neither taught nor suggested (and is actually taught against as discussed above) by Bacon, claim 60 is patentable over Bacon.

Because claim 60 is now believed to be patentable over Bacon claim 63, which depends from claim 60 is also patentable over Bacon.

Claim 66 through 69 have been rejected by the Examiner over Bacon, but have a similar identification feature to claim 41, and by the same reasoning as above, with respect to claim 41, are patentable over Bacon.

Claim 71 has been rejected by the Examiner. Because claim 71 depends from claim 69, now believed to be patentable over Bacon, claim 71 is patentable over Bacon.

The Examiner has rejected Claims 32-40, 46-59, 64-65 and 70 under 35 U.S.C. as being unpatentable over Bacon (U.S. Pat # 5,440,632), in view of Isenberg, (U.S. Pat # 5,570,295). This rejection is respectfully traversed for the reasons indicated below.

Claim 32 has a similar identification feature as in claim 41, and by the same reasoning as with claim 41 claim 32 is patentable over Bacon.

Claims 33-40 depend from claim 32. Because claim 32 is believed to be patentable claims 33-40 which depend from claim 32 are also patentable.

Claim 46 has a similar identification feature as in claim 41, and by the same reasoning as with claim 41 claim 46 is patentable over Bacon.

Claims 47-53 depend from claim 46. Because claim 46 is believed to be patentable claims 47-53 which depend from claim 46 are also patentable.

Claim 54 has a similar identification feature as in claim 41, and by the same reasoning as with claim 41 claim 54 is patentable over Bacon.

Claims 55-59 depend from claim 54. Because claim 54 is believed to be patentable claims 55-59 which depend from claim 54 are also patentable.

Claim 64 has a similar identification feature as in claim 41, and by the same reasoning as with claim 41 claim 64 is patentable over Bacon.

Claim 65 depends from claim 32. Because claim 32 is believed to be patentable claims 65 which depends from claim 32 is also patentable.

Claim 70 depends from claim 69. Because claim 69 is believed to be patentable claims 70 which depends from claim 69 is also patentable.

Accordingly, in view of the above amendment and remarks it is submitted that the claims are now patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

If for any reason the Examiner finds that there is a problem with the allowance of the current claims or a problem with any portion of the application in general the undersigned attorney would appreciate a call from the Examiner in order to expedite the prosecution of the application. Applicants thank the Examiner for his efforts in prosecuting this application.
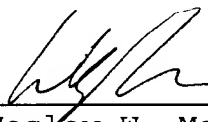
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**."

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By _____
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626/795-9900

VERSION TO SHOW CHANGES MADE

60. (Amended) A television system with downloadable features, comprising:

multiple <u>uniquely identified</u> receiving locations;

at least one computer storage device associated with at least one of said <u>uniquely identified</u> receiving locations, said computer storage device retrieving executable software associated with at least one of said downloadable features from a computer readable storage medium;

a memory associated with each of said computer storage devices for storing said retrieved executable software; and

a processor associated with each of said computer storage devices for executing said retrieved executable software.

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